

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 08, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROGER WAYNE ROMERO,
Plaintiff,
v.
SPOKANE COUNTY JAIL and
SPOKANE POLICE
DEPARTMENT,
Defendants.

NO: 4:23-cv-05116-RMP
ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH
FILING FEE REQUIREMENTS

By Order filed September 26, 2023, the Court directed Plaintiff Roger Wayne Romero, a *pro se* prisoner at the Washington State Penitentiary, to submit a certified copy of his six-month inmate trust account statement (or institutional equivalent) for the period immediately preceding August 14, 2023, within thirty days of the date of that Order. ECF No. 6 at 2. In the alternative, Plaintiff was advised that he could pay the full \$402.00 filing fee. *Id.*

The Court cautioned Plaintiff that his failure to comply with either option would result in the dismissal of this case. *Id.* Plaintiff has neither paid the filing

ORDER DISMISSING ACTION FOR FAILURE TO COMPLY WITH FILING
FEE REQUIREMENTS -- 1

1 fee nor submitted six-month inmate trust account statement (or institutional
2 equivalent) by the due date of October 26, 2023.

3 Parties filing actions in the United States District Court are required to pay
4 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate
5 payment of a filing fee only upon granting of *in forma pauperis* status. *See* 28
6 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of
7 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th
8 Cir. 1995) (district court has authority to dismiss without prejudice prisoner
9 complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890
10 (9th Cir. 1992) (affirming dismissal of appeal of *pro se* litigant for failure to pay
11 required filing fees).

12 Accordingly, **IT IS ORDERED** that this action is **DISMISSED** without
13 prejudice for failing to pay the filing fee or filing a properly completed Application
14 to Proceed *In Forma Pauperis* pursuant to 28 U.S.C. §§ 1914(a) and 1915(a).

15 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
16 Order, enter judgment, forward copies to Plaintiff at the address provided, and
17 **CLOSE** the file.

18 **DATED** November 8, 2023.

19 _____
20 *s/ Rosanna Malouf Peterson*
21 ROSANNA MALOUF PETERSON
Senior United States District Judge